Mere allegations, without more, of the arbitrary exercise of power do not suffice to raise a constitutional question of substantiality requiring the convention of a three-judge district court. Brotherhood of Locomotive Firemen & Enginemen v. Certain Carriers, 118 U.S.App.D.C. 100, 331 F.2d 1020, 1022, cert. denied, 337 U.S. 918, 84 S.Ct. 1181, 12 L.Ed.2d 187 (1964).

Accordingly, the plaintiff's motion for summary judgment, and in the alternative for the convention of a three-judge court is hereby denied. The Government's motion to dismiss for failure to state a claim on which relief can be granted is hereby granted.